

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>Criminal No. 17-10079-JDB/egb</b>
	)	
<b>vs.</b>	)	
	)	
<b>RUSSELL JANN,</b>	)	
	)	
<b>Defendant.</b>	)	

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**GOVERNMENT’S UNOPPOSED MOTION TO  
CONTINUE / EXTEND FILING DEADLINE**

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COMES NOW the United States of America, represented by D. Michael Dunavant, United States Attorney for the Western District of Tennessee, by and through Kasey A. Weiland, Assistant United States Attorney, and hereby moves this Honorable Court to extend by thirty (30) days the filing deadline set forth in 18 USC § 3161(b). In support thereof, the United States submits as follows:

On September 6, 2017, the defendant was charged in a criminal complaint with possession, receipt, and attempted production of child pornography and use of the internet to send obscene material to a minor under the age of sixteen (16). The defendant has expressed, through counsel, a desire to resolve the instant matter prior to the presentment of an indictment to a federal grand jury. The parties are presently in the early stages of plea negotiations.

Pursuant to 18 U.S.C. § 3161(b), “[a]ny information or indictment charging an individual with the commission of an offense shall be filed within thirty days from the date on which such

individual was arrested or served with a summons in connection with such charges.” Notwithstanding this requirement, subsection (h) provides that certain periods of delay “shall be excluded” in computing the time within which an information or indictment must be filed. This includes delays “resulting from consideration by the court of a proposed plea agreement to be entered into by the defendant and the attorney for the Government.” 18 U.S.C. § 3161(h)(1)(G). Also excludable is any period of delay resulting from a continuance granted by a judge “on the basis of his findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.” 18 U.S.C. § 3161(h)(7)(A).

While it is feasible that the parties could reach an agreed-upon resolution of this matter prior to October 6, 2017, the United States respectfully submits that the ends of justice would be served by granting a continuance. Given the seriousness of the charges set forth in the complaint and the potential penalties that the defendant is facing, a decision to plead guilty in this case is not one that should be made hastily. It is imperative that the defendant have ample time to discuss the charges, the statutory penalties, the applicable sentencing guideline range, and the specific terms of a proposed plea agreement with his attorney. A continuance in this matter will allow the defendant adequate time for reflection and enable him to make an informed decision without the pressure of an impending deadline.

The United States has consulted with Christina Wimbley, counsel for the defendant, who has no objection to the instant motion.

Respectfully submitted,

D. MICHAEL DUNAVANT  
United States Attorney

By: /s/ Kasey A. Weiland  
Assistant United States Attorney

**CERTIFICATE OF SERVICE**

I, Kasey A. Weiland, Assistant United States Attorney, do hereby certify that a copy of the foregoing Motion was forwarded by electronic means, via the Court's Electronic Filing System, to Christina Wimbley, Esq., Attorney for Defendant.

This 25th day of September, 2017.

/s/ Kasey A. Weiland  
Assistant United States Attorney